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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/668,867

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Eduard K. de Jong

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EXAMINER

ABYANEH, ALI S

ART UNIT

PAPER NUMBER

2137

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/668,867	<b>Applicant(s)</b> DE JONG, EDUARD K.	
	<b>Examiner</b> ALI S. ABYANEH	<b>Art Unit</b> 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04-08-2008</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-58 are pending.
2. Claims 1, 10, 19, 28 and 30 are amended.
3. Examiner withdraws the objection to the claim 30 due to the correction by the applicant.

### ***Response to Arguments***

4. Applicant's arguments filed 04-04-2008 have been fully considered but they are not persuasive.

Applicant in page 17 of the remarks argues that paragraph [0040] of the Madison “describes only generating a ticket by the web server and nothing about any sending by the end-user device”. Examiner respectfully disagrees. Madison teaches an end user 102 (end-user device) sending a request for a media content file to Web server 106 (content provisioner) (paragraph [0029]). Web server 106 (content provisioner) receiving a stream request from the end user 102 (end-user device) including stream id and the end user id (paragraph [0040]). It is clear from the above cited paragraphs of Madison that end-user sends a request.

Applicant in page 18 of the remarks refers to paragraph [0055] cited by the examiner for the limitation of receiving and argues “[t]his paragraph describes only the streaming media server 104. [t]hus, with respect to first claim element, web server 106 of Madison was cited as the content provisioner, and with respect to the second claim element, media server 104 was cited as the content provisioner. [t]hus, the characterization of the content provisioner changes

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depending on the claim element". Examiner respectfully disagrees. Madison discloses end user 102 receiving among other elements a ticket from the web server 106 (content provisioner) (see paragraph [0036] and fig.3, step 314), presenting the received ticket and the other elements to the media server 104 (content repository)(see paragraph [0038] and fig.3 step 316). In paragraph [0055], Madison teaches that the received ticket by the end user 102 is provided to the server 104 (content repository), this paragraph was cited to show that the end user 102 has received the ticket. As it is clear from the above, examiner correlates the web server 106 to the claimed limitation of content provisioner, not media server 104 as applicant has interpreted.

In page 18 of the remarks applicant argues, "[w]hen the references are considered as a whole the references teach away from this element. [t]he rejection as noted above mischaracterizes the teachings of Madison. Madison taught that the web server returned 'the ticket and the end user ID' to the end-user device. Madison, Paragraph [0067] . [t]he end user ID identifies a particular end-user, and not a device. See Paragraph [0027] of Madison". Examiner does not agree. Combination of references reads on the claimed language. Whether in Madison end user ID identifies a particular end user or identifies a device, this does not have any effect on the functionality of the system. In another word a system which sends, receives, authenticates or stores an ID dos not care if the ID belongs to a device or a user, it functions the same whether it is a user ID, a device ID or any other types of ID.

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Applicant in page 18 and 19 of the remarks argues, “the rejection has failed to cite any teaching in either of the references of ‘receiving, from said content provisioner by said end-user device, an authenticated digital content request’ with ‘the one or more delivery parameters identifying a target device to receive digital content referenced by said authenticated digital content request’”. Identifying a target or receiver of a content in a secure content delivery is well known and widely used in the art. It is also well known to one of ordinary skill in the art that in a data or content delivery system if the target or a receiver is not identified then data will not reach the intended target or receiver and any system capable of receiving could illegally intercept and receive the content. Therefore, this feature is not a novel feature in the art. Furthermore, Madison discloses receiving from the content provisioner by the end user device, an authenticated digital content request, including one or more delivery parameter identifying a receiver (see paragraph [0037]).

In response to applicant's argument that “obviousness rejection has not been made”, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In view of above discussion examiner maintains the rejection as follows:

**Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6-13, 15-22 and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madison et al. (US Publication NO 2004/0015703), in view of Maari. (US Publication NO 2004/0107167).

**Regarding claim 1, 10, 19 and 28**

Madison teaches a method for digital content access control, comprising: sending, by an end- user device to a content provisioner, a digital content request comprising a request for digital content (paragraph [0040]);

receiving, from said content provisioner by said end-user device, an authenticated digital content request including one or more delivery parameters in response to said sending said digital content request (paragraph [0037] and [0055]);

sending, by said end-user device, said authenticated digital content request including one or more delivery parameters to a content repository that provides storage for said digital content, said one or more delivery

parameters identifying a target device to receive digital content referenced by said authenticated digital content request; receiving, from said content repository by said end-user device, encrypted digital content in response to said sending said authenticated digital content request (paragraph [0033]-[0035]).

Madison does not explicitly teach, wherein an end-user device comprises said target device; sending, by said end- user device, said encrypted digital content to said target device, said target device identified by said one or more delivery parameter, said target device for decrypting said encrypted digital content to create decrypted digital content and for rendering said decrypted digital content on said target device. However, in an analogous art, Maari teaches wherein an end-user device comprises said target device (paragraph [0053]); sending, by said end- user device, said encrypted digital content to said target device, said target device identified by said one or more delivery parameter (paragraph [0123]), said target device for decrypting said encrypted digital content to create decrypted digital content and for rendering said decrypted digital content on said target device (paragraph [00188]).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Madison to include an end-user device comprises said target device; sending, by said end- user device, said encrypted digital content to said target device, said target device identified by said one or more delivery parameter, said target

device for decrypting said encrypted digital content to create decrypted digital content and for rendering said decrypted digital content on said target device. This would have been obvious because person having ordinary skill in the art at the time the invention was made would have been motivated to do so in order to make the digital content available anytime and anywhere and provide sufficient protection of digital content against illegal duplication (paragraph [0005]).

**Regarding claim 2-4, 11-13 and 20-22**

Madison furthermore teaches, said digital content request comprises a Universal Resource Locator (URL); and said authenticated digital content request comprises a tokenized URL; wherein said tokenized URL further comprises a token comprising a cryptogram based at least in part on an identifier that describes the location of said digital content; and sending said token to said target device (paragraph [0036], [0037]).

**Regarding claim 6, 15 and 24**

Madison furthermore teaches a method wherein said one or more delivery parameters comprises a serial number uniquely identifying said target device (paragraph [0040]).



**Regarding claim 7-9, 16-18 and 25- 27**

Maari furthermore teaches a method wherein said one or more delivery parameters comprises a master key indicator for use in decrypting an encrypted form of said digital content; wherein said one or more delivery parameters comprises a key derivation process indicator for use in deriving a cryptographic key for decrypting an encrypted form of said digital content; and said one or more delivery parameters comprises a cryptographic process indicator that specifies a cryptographic process supported by said target device (paragraph [0055]).

**Regarding claim 29**

Madison furthermore teaches an apparatus wherein said processor is further configured to receive said digital content in response to said authenticated digital content request (paragraph [0060]).

7. Claims 5, 14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madison et al. (US Publication NO 2004/0015703), in view of Maari. (US Publication NO 2004/0107167) further in view of Arias et al. (US Publication NO 2002/0072413).

**Regarding claim 5, 14 and 23**

Madison and Maari teach all limitation of the claim as applied to claim 3, 12 and 22 above. Madison and Maari do not explicitly teach token is from a token pool associated with the location of digital content for which access is authorized. However, in an analogous art, Arias teaches token is from a token pool associated with the location of digital content for which access is authorized (paragraph 0026]).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Madison and Maari to include token from a token pool associated with the location of digital content for which access is authorized. This would have been obvious because person having ordinary skill in the art at the time the invention was made would have been motivated to do so in order to provide a unique and flexible methodology and structure for obtaining and enjoying collectible items (paragraph [0005]).

8. Claims 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madison et al. (US Publication NO 2004/0015703), in view of in view of Maari (US Publication NO 2004/0107167) further in view of Mukerjee et al. (US Publication NO 2003/0073440).

**Regarding claim 30**

Madison and Maari teach all limitation of the claim as applied to claim 28, above. Madison and Maari do not explicitly teach wherein said target device comprises a smart card. However, in an analogous art, Mukerjee teaches a target device comprises a smart card (paragraph [0054]).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Madison and Maari to include target device comprises a smart card. This would have been obvious because person having ordinary skill in the art at the time the invention was made would have been motivated to do so since smart card are well known and widely used in the art.

**Regarding claim 31-34**

Madison, Maari and Mukerjee teach all limitation of the claim as applied to claim 30 above. Mukerjee furthermore teaches wherein said smart card comprises a Java Card.TM. technology-enabled smart card; wherein said smart card comprises a CDMA (Code Division Multiple Access) technology-enabled smart card; wherein said smart card comprises a SIM (Subscriber Identity Module) card; and wherein said smart card comprises a WIM (Wireless Interface Module) (paragraph [0054]-[0060]).

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9. Claims 35, 38, 41, 44, 47, 50 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madison et al. (US Publication NO 2004/0015703), in view of Peterka et al. (US Publication NO 2003/0140257) in view of Maari (US Publication NO 2004/0107167).

**Regarding claim 35, 38, 41, 44, 47, 50 and 53**

Madison teaches a method for digital content access control, comprising: receiving, by a target device, a token comprising a cryptogram based at least in part on an identifier that describes the location of said digital content (paragraph [0027]).

Madison does not explicitly teach wherein an end-user device comprises said target device; preparing, on said target device, a session key, said preparing comprising applying a cryptographic process to a key based at least in part on said token together with a target key to create said session key, said target key based at least in part on a master key and a target ID, said target ID identifying a target device; receiving, on said target device, encrypted digital content; decrypting, on said target device, said encrypted digital content using said session key to create decrypted digital content; and rendering , on said target device, said decrypted digital content.

However, in an analogous art, Peterka teaches preparing, on said target device, a session key, said preparing comprising applying a cryptographic process to a key based at least in part on said token

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together with a target key to create said session key, said target key based at least in part on a master key and a target ID, said target ID identifying a target device (paragraph [0040]-[0042]); receiving, on said target device, encrypted digital content; decrypting, on said target device, said encrypted digital content using said session key to create decrypted digital content; and rendering , on said target device, said decrypted digital content (paragraph [0035]).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Madison to include preparing, on said target device, a session key, said preparing comprising applying a cryptographic process to a key based at least in part on said token together with a target key to create said session key, said target key based at least in part on a master key and a target ID, said target ID identifying a target device; receiving, on said target device, encrypted digital content; decrypting , on said target device, said encrypted digital content using said session key to create decrypted digital content; and rendering , on said target device, said decrypted digital content. This would have been obvious because person having ordinary skill in the art at the time the invention was made would have been motivated to do so in order to transmit content and to manage transmission of the content from a content provider to a caching server and then from the caching server to a viewer (paragraph [0015]).

Madison and Peterka do not explicitly teach an end-user device comprises said target device. However, in an analogous art, Maari teaches an end-user device comprises said target device (paragraph [0053]).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Madison and Peterka to include an end-user device comprises said target device. This would have been obvious because person having ordinary skill in the art at the time the invention was made would have been motivated to do so in order to make the digital content available anytime and anywhere and provide sufficient protection of digital content against illegal duplication (paragraph [0005]).

10. Claims 36, 39, 42, 45, 48, 51 and 54-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madison et al. (US Publication NO 2004/0015703), in view of Peterka et al. (US Publication NO 2003/0140257) in view of Maari (US Publication NO 2004/0107167) further in view of Mukerjee et al. (US Publication NO 2003/0073440).

**Regarding claim 36, 39, 42, 45, 48, 51 and 54**

Madison, Peterka and Maari teach all limitation of the claim as applied to claim 35, 38, 41, 44, 47, 50 and 53 above. Madison, Peterka and Maari do not explicitly teach wherein said apparatus comprises a

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smart card. However, in an analogous art, Mukerjee teaches an apparatus comprises a smart card (paragraph [0054]).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Madison, Peterka and Maari to include an apparatus comprises a smart card. This would have been obvious because person having ordinary skill in the art at the time the invention was made would have been motivated to do so since smart card are well known and widely used in the art.

**Regarding claim 55- 58**

Mukerjee furthermore teaches wherein said smart card comprises a Java Card.TM. technology-enabled smart card; wherein said smart card comprises a CDMA (Code Division Multiple Access) technology-enabled smart card; wherein said smart card comprises a SIM (Subscriber Identity Module) card; and wherein said smart card comprises a WIM (Wireless Interface Module) (paragraph [0054]-[0060]).

11. Claims 37, 40, 43, 46, 49 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madison et al. (US Publication NO 2004/0015703), in view of Peterka et al. (US Publication NO 2003/0140257) in view of Maari (US Publication NO 2004/0107167) further in view of Arias et al. (US Publication NO 2002/0072413).

**Regarding claim 37, 40, 43, 46, 49 and 52**

Madison, Peterka and Maari teach all limitation of the claim as applied to claim 35, 38, 44, 47 and 50 above. Madison, Peterka and Maari do not explicitly teach token is from a token pool associated with the location of digital content for which access is authorized. However, in an analogous art, Arias teaches token is from a token pool associated with the location of digital content for which access is authorized (paragraph 0026]).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Madison, Peterka and Maari to include token from a token pool associated with the location of digital content for which access is authorized. This would have been obvious because person having ordinary skill in the art at the time the invention was made would have been motivated to do so in order to provide a unique and flexible methodology and structure for obtaining and enjoying collectible items (paragraph [0005]).



### Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abyaneh whose telephone number is (571) 272-7961. The examiner can normally be reached on Monday-Friday from (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on **(571) 272-3865**. The fax phone numbers for the organization where this application or proceeding is assigned as (571) 273-8300 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about


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the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ali S Abyaneh/  
Examiner, Art Unit 2137  
07-10-2008

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2137

<b><i>Application Number</i></b> 	<b>Application/Control No.</b>	<b>Applicant(s)/Patent under Reexamination</b>	
	10/668,867	DE JONG, EDUARD K.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ALI S. ABYANEH	2137	